

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TIMOTHY C. HARRY, and KAREN C. HARRY,

Plaintiffs,

CIVIL ACTION NO. 16-CV-10895-FDS

v.

AMERICAN BROKERS CONDUIT, APEX
MORTGAGE SERVICES, LLC, FIDELITY
NATIONAL FINANCIAL, INC. FIDELITY
NATIONAL TITLE GROUP, INC., FIDELITY
NATIONAL TITLE COMPANY, AMERICAN
HOME MORTGAGE SERVICING, INC.,
HOMEWARD RESIDENTIAL, MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR AMERICAN
HOME MORTGAGE ASSETS TRUST 2007-2
MORTGAGE-BACKED PASS-THROUGH
CERTIFICATES, SERIES 2007-02, OCWEN
LOAN SERVICING, LLC, ABLITT &
CHARLTON, a/k/a ABLITT/SCOFIELD, a/k/a
ABLITT SCOFIELD, P.C. a/k/a ABLITT LAW
OFFICES P.C. n/k/a CONNOLLY, GEANEY,
ABLITT & WILLARD, P.C.

Defendants.

**MOTION TO DISMISS AMENDED COMPLAINT
PURSUANT TO RULE 12(b)(6), FED. R. CIV. P.**

Defendants Fidelity National Financial, Inc., Fidelity National Title Insurance Company, and Fidelity National Title Group, Inc. (“the Fidelity Defendants”), move to dismiss, with prejudice, all counts of Plaintiffs’ Amended Complaint for failure to state a claim upon which relief may be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The

Fidelity Defendants submit herewith a Memorandum in Support of its Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6).

REQUEST FOR ORAL ARGUMENT

The Fidelity Defendants believe that oral argument will assist the Court and therefore requests a hearing on this motion.

WHEREFORE, the Fidelity Defendants respectfully requests that this Court grant their motion to dismiss Plaintiffs' Amended Complaint with prejudice and grant such other and further relief as the Court deems just and proper.

Dated: July 27, 2016

Defendant,
Fidelity National Financial, Inc., Fidelity
National Title Insurance Company and
Fidelity National Title Group, Inc.
By its Attorneys,

/s/ Douglas L. Whitaker

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CERTIFICATE OF SERVICE

I, Douglas L. Whitaker, do hereby certify that a true copy of the above document was filed through the Court's ECF system on this 27th day of July, 2015 and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and by electronic mail.

/s/Douglas L. Whitaker
Douglas L. Whitaker